

Thursday, August 18, 2022, 2:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio from the item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting the Code Enforcement Board Secretary at (561)227-7080. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order: (2:00:53)

II. Roll Call: (2:01:19)

Bram Majtlis, Chairman
Scotch Peloso, Vice Chairman
Linda Wartow
Martin Klein
Chris Larmoyeux
Pamela Saba
John McGowan
Harris S. Fried, Alternate Member
Pamela Davies, Alternate Member

III. Approval of the Minutes of the July 21, 2022, Minutes: (2:01:22)

**MOTION BY MR. KLEIN TO APPROVE THE JULY 21, 2022, MINUTES.
SECONDED BY MS. WARTOW.
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff (2:01:38)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (2:01:53)

- 1480 Year to date Code Enforcement cases.
- 222 Cases initiated since the last Code Board Hearing
- 111 cases officer generated
- 111 cases were received (not self-initiated)
- 16 cases set to appear at the April Code Board
- 11 cases achieved compliance before the hearing
- 3 new cases to be heard today
- 0 fine consideration cases to be heard today
- 2 fine reduction cases to be heard today
- 0 old business case to be heard today

VI. Public Hearing: (2:03:00)

A. Case # CE 22-1263, 300 Blk. S. Ocean Blvd., Timothy A. Clarke: (2:03:07)

Violation of Chapter 74, Section 74-269 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to operate or cause to be operated any watercraft within the waters of the Atlantic Ocean within 400 feet of the mean low water mark of any beach within the town designated as a public beach. Public beaches shall include those areas known as Phipps Ocean Park, Mid Town Beach, Clarke Avenue Beach and Kreusler Park. For the purposes hereof, the 400-foot distance shall be measured at right angles from the mean low water mark of the Atlantic Ocean.

Officer Moriarty presented the facts of the case and entered evidence into the record.

Mr. Timothy Clarke was present and gave testimony in the case.

MOTION BY MR. LARMOYEUX OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 WITHIN 30 DAYS OF THIS ORDER AND TO WAIVE THE FINE.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-1232, 239 Barton Ave., Island Air Conditioning: (2:10:37)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code, which requires building permits to construct, enlarge, alter, repair, move, convert or replace any electrical, mechanical or plumbing system.

Officer Moriarty presented the facts of the case and entered evidence into the record.

The business owner was not present and there was a finding of proper notice.

MOTION BY MR. KLEIN OF NON-COMPLIANCE AND ASSESS ADMINISTRATIVE FEE OF \$150.00 AND TO PAY A FINE OF \$250.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-1008, 300 S. Ocean Blvd., Three Hundred South Ocean Blvd. Apts. Inc(2:16:47)

Violation of Chapter 42, Section 42-196 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to make, continue, or cause to be made or continued: (1) Any loud or raucous noise; (2) Any noise that tends to annoy the community or injure the health of the citizens in general; or (3) Any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any considerable number of persons. A considerable number of persons, for this section, shall mean three or more unrelated persons in separate households.

Officer Felix presented the facts of the case and entered evidence into the record.

Ellen Bachenoff was present on behalf of the property owner and gave testimony and entered evidence into the case.

MOTION BY MR. LARMOYEUX TO DISMISS THE CASE.

SECONDED BY MR. PELOSO.

MOTION BY MR. KLIEN TO RECONSIDER SO THAT VICKI GARETT MAY GIVE TESTIMONY IN THE CASE.

SECONDED BY MR. PELOSO.

MOTION BY MR. LARMOYEUX TO DISMISS THE CASE ON INSUFFICIENT EVIDENCE.

SECONDED BY MR. PELOSO.

MOTION PASSES UNANIMOUSLY.

VII. Fine Reduction: (2:30:15)

A. Case # CE 22-524, 289 Sandpiper Drive, Charle Hennessey: (2:32:18)

Violation of Chapter 88, Section 88-16(L) of the Town of Palm Beach Code of Ordinances prohibits vegetation infested with pests such as whitefly.

Officer Moriarty represented the facts of the case and entered evidence into the record.

Ms. Hennessey was present and gave testimony in the case.

MOTION BY MR. KLEIN TO REDUCE THE FINE TO \$250.00.

THERE WAS NO SECOND, THE MOTION FAILED.

MOTION BY MR. PELOSO TO REDUCE THE FINE TO \$1000.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 15-57, 224 Atlantic Ave., 224 Atlantic LLC: (2:45:54)

Violation of Chapter 134, Section 134-7 of the Town of Palm Beach Code of Ordinances, failure to comply with conditions established in connection with grants of variances or special exceptions constitutes a zoning violation. Chapter 134, Section 134-227 states that special exception uses, and their related accessory uses or any expansion, enlargement, or modification of an existing special exception use or any physical expansion of an existing special use of facility shall be permitted only upon authorization by the Town Council.

Officer Moriarty represented the facts of the case and entered evidence into the record.

Maura Ziska was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. LARMOYEUX TO REDUCE THE FINE TO \$75,000.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND FOR THE TOWN TO RECEIVE A FULL AND COMPLETE RELEASE FROM THE PROPERTY OWNER WITHIN 20 DAYS OF

THIS ORDER OR THE FINE AMOUNT WILL REVERT BACK TO THE ORIGINAL AMOUNT.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

VIII. Board Comments: (03:00:49)

Chairman Majtlis welcomed our new alternate members Mr. Fried and Ms. Davies to the board. He also congratulated Mr. McGowan on his promotion from an alternate member to a regular member of the board.

The board discussed the proposal for implementing a new policy "Notice of Intent of Recommendation of Civil Action." After discussion amongst the members and the Town Attorney, the board decided to move ahead with the new procedure.

MOTION BY MR. KLEIN TO ADOPT THE NEW PROCEDURE OF NOTICE OF INTENT OF RECOMMENDATION OF CIVIL ACTION.

SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

IX. Adjournment: (03:16:00)

MOTION TO ADJOURN BY MS. WARTOW.

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.